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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 09/806,370 Confirmation No.: 8568
Applicant : Holmes et al.
Filed : October 3, 2001
TC/A.U. : 1645
Examiner : V. Portner
Customer No. : 00270
Title : MUTANT CHOLERA HOLOTOXIN AS AN ADJUVANT

Mail Stop Appeal - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 CFR § 41.33

Sir:

This paper is filed after the Notice of Appeal, but prior to the Appeal Brief, and is to reduce the issues for appeal. Specifically, this paper is filed to cancel subject matter added to the specification by way of the Amendment and Response filed on July 12, 2004. Appellants are requesting deletion of the sequence listing and the phrase "SEQ ID NO: 1" on page 38, lines 7-34. These specification amendments moot the outstanding new matter rejection under 35 USC § 132(a). These amendments were not presented earlier since the Declaration, which at that time of filing, was believed to be fully compliant, but was not entered by the Examiner for assertedly being defective.

Amendments to the Specification begin on page 2.

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to or deposited with the United States Postal Service with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on the date shown below.			
Signature	<i>S. Uchin</i>	Date	10-23-2006
Typed or Printed Name	Summer Uchin		